

Notice of Allowability

Application No.

10/701,845

Applicant(s)

LUCIO MAGRI, JUAN BAUTISTA
MARIO

Examiner

Rosanne Kosson

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on September 20, 2005.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. The application has been amended as follows.

The claims are amended as follows.

1. (currently amended) A method for preparing a concentrated inoculating composition for use with leguminous plants, comprising the following steps in the order given:

- a) sterilize and cool a culture medium suitable for supporting the growth of *Rhizobium japonicum* ~~Rhizobium Japonicum bacteria is sterilized and cooled;~~

- b) add *Rhizobium japonicum* ~~Rhizobium Japonicum bacteria is added~~ to the culture medium and allowed to multiply for 46 hours at a temperature of 28 C;

- c) cool the result of step b) ~~The result of the two previous steps is cooled~~ to a temperature of 10° C or 11° C;

- d) add a solution comprising powdered maltose saccharide, liquid maltose saccharide, lactose saccharide, and potassium sorbate to the combined culture medium and bacteria, said solution being prepared by the following steps:

- 1) dissolving said powdered maltose saccharide, said liquid maltose saccharide, and said potassium sorbate in 100 liters of water;

- 2) sterilizing ~~Sterilization~~ at 121° C for 30 minutes;

- 3) cooling ~~Cooling~~ to 20° C.

2. (currently amended) The method for preparing a concentrated inoculating composition as described in claim 1, further comprising the step of incorporating, prior to step a), a

suspension of peat that makes up 5 to 20% peat by weight of the inoculating composition
and which has been treated in accordance with the following steps:

- I) heat Heating the peat with distilled water at 100° C for forty minutes;
- II) transfer Transferring 10% of the final volume of the peat of step I to a fermenting unit where the culture medium is to be prepared and where are added the rest of the chemicals which comprise the culture medium;
- III) adjust Adjusting the pH to between about 6.9 to about 7.0.

These amendments to the claims were approved by Applicant's representative, Mr. Jonathan Hines, in a telephone conversation on October 19, 2005.

2. The following is an examiner's statement of reasons for allowance. Claims 1-2 were allowed in the previous Office action. Applicant has canceled claims 3-4.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

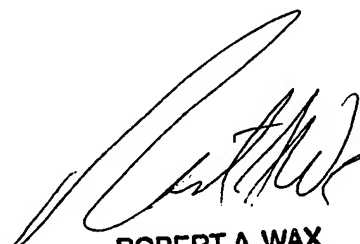
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is 571-272-2923. The examiner can normally be reached on Monday-Friday, 8:30-6:00, with alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rosanne Kosson
Examiner, Art Unit 1653

rk/2005-10-19



ROBERT A. WAX
PRIMARY EXAMINER